

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AUBRY MCMAHON,
Plaintiff,

vs.

WORLD VISION, INC.
Defendant.

CASE NO. 2:21-CV-00920-JLR

DECLARATION OF
SCOTT J. WARD

Scott J. Ward declares:

1. I have personal knowledge of the facts stated in this declaration and am competent to testify to those facts.

2. I am an attorney of record for Defendant World Vision, Inc ("**World Vision**" or "**WV**") in this case.

3. I reside in Virginia, am licensed to practice law in Virginia and California, and have been admitted by the Court *pro hac vice* in this case.

4. This Declaration of Scott Ward is denoted “**SW**” herein, and in the accompanying Motion for Summary Judgment, and exhibits to this Declaration are denoted, e.g., **SW-01**, **SW-02**, etc. This is the same numbering system used for all Declarations in the Motion for Summary Judgment. The other two Declarations filed therewith are those of Melanie Freiberg (“**MF**”) and Shannon Osborne (“**SO**”).

5. All documents or other items referenced herein, or in the exhibits hereto, that contain Bates numbers are from the document production exchanged by the parties during discovery in this case. (The total discovery record ranges from WV0001 to WV6197 for Defendant World Vision and from P0001 to P0137 for the Plaintiff, and includes photographs, other physical exhibits, and digital audio and visual files. There were a total of five depositions taken in this case, including the Plaintiff’s.)

6. Attached as Exhibit **SW-01** hereto are true and correct copies of excerpts from the transcript of the deposition of Plaintiff Aubry McMahon (“**Pls. Dep.**”) taken on February 24, 2023, namely:

- Pls. Dep., SW-01, at 1-2 (cover pages).
- Pls. Dep., SW-01, at 13-22.
 - a. Pls. Errata Sheet changing Page 22/Line9 from “No” to “Yes.”
- Pls. Dep., SW-01, at 55.
- Pls. Dep., SW-01, at 63-85.
- Pls. Dep., SW-01, at 91-100.
- Pls. Dep., SW-01, at 114-115.
- Pls. Dep., SW-01, at 155-179.
- Pls. Dep., SW-01, at 182-185.
- Pls. Dep., SW-01, at 194-204.
- Pls. Dep., SW-01, at 208-209.
- Pls. Dep., SW-01, at 213-215.
- Pls. Dep., SW-01, at 224-225.
- Pls. Dep., SW-01, at 230-235.

- Pls. Dep., SW-01, at 237-262.

(Plaintiff's often-lengthy narrative testimony of relevance to this case results in substantial excerpts to convey that testimony and its immediate context.) These excerpts have been redacted in accordance with Local Rule 5.2(a)(2)) and the Stipulated Protective Order and as agreed by counsel for the parties.

7. Attached as Exhibits SW-02 to SW-05 hereto are true and correct copies of four of 15 exhibits to Plaintiff's deposition on February 24, 2023, namely:

- Exhibit SW-02 hereto: PDF of Plaintiff's "Just Be" products and designs sold by Plaintiff, as accessed on 2/23/2023 from Plaintiff's website at <https://www.bonfire.com/store/just-be> (attached and authenticated by Plaintiff as exhibit 2 to her deposition).
- Exhibit SW-03 hereto: PDF of Plaintiff's "CALM" (Charlotte Area Liberal Moms) design and products as accessed on 2/23/2023 from Plaintiff's website at <https://www.bonfire.com/store/just-be> (attached and authenticated by Plaintiff as exhibit 3 to her deposition).
- Exhibit SW-04 hereto: PDF of Plaintiff's "Love Is A Terrible Thing To Hate" design and products as accessed on 2/23/2023 from Plaintiff's website at <https://www.bonfire.com/store/just-be> (attached and authenticated by Plaintiff as exhibit 4 to her deposition).
- Exhibit SW-05 hereto: PDF of Plaintiff's Rainbow design and products as accessed on 2/23/2023 from Plaintiff's website at <https://www.bonfire.com/store/just-be> (attached and authenticated by Plaintiff as exhibit 5 to her deposition).

8. Attached as Exhibits SW-06 to SW-08 hereto are true and correct copies of excerpts from the record in this Court and the Ninth Circuit in [*Spencer v. World Vision, Inc.*, 570 F.Supp.2d 1279 \(W.D.Wash. 2008\)](#), *aff'd*, [619 F.3d 1109 \(9th Cir. 2010\)](#), *as amended on denial of reh'g en banc*, [633 F.3d 723 \(2011\)](#), *cert. denied*, [565 U.S. 816 \(2011\)](#), namely:

- Exhibit SW-06 hereto: WVUS Operational Policy O-200.00 entitled "Standards of Conduct" ("SOC"), effective 21 March 2007, filed as Dkt.

17-11 in the record of 2:07-cv-01551-RSM on 11/29/2007, as filed as part of the Supplemental Excerpt of Record (SER) in the Ninth Circuit, and as produced as WV2370-2373 (4 pages) in the instant case.

- Exhibit **SW-07** hereto: Same 4-page SOC Policy described immediately above as originally filed in this Court on 11/29/2007 and produced as WV2624-2627 (4 pages) in the instant case.
- Exhibit **SW-08** hereto: Excerpts from the deposition of WV vice president Kathleen Evans, taken on February 19, 2008, including the attorney declaration admitting it and the exhibit and cover pages of the transcript, filed as Dkt. 24-2 in the record of 2:07-cv-01551-RSM on 2/29/2008, and as produced as WV2748-2752 (5 pages of Decl. and Dep. Tr. cover pages) and WV2775-2779 (5 pages of condensed Dep. Tr.) in the instant case.

***** Signature Page/Block Follows *****

I am over the age of eighteen and am competent to give this Declaration. I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

SIGNED this 11th day of April, 2023, at Vienna, Virginia.

/s/ Scott J. Ward
SCOTT J. WARD